



PATENT
29250-000502/US

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hisham S. ABDEL-GHAFFAR Group: 2115
Appl. No.: 09/764,072 Examiner: Connolly, Mark A.
Filed: January 19, 2001 Conf.: 6788
For: A METHOD OF DETERMINING A TIME OFFSET ESTIMATE
BETWEEN A CENTRAL NODE AND A SECONDARY NODE
Docket No.: 29250-000502/US

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APPELLANTS' REPLY BRIEF UNDER 37 C.F.R. § 41.41

Sir:

In response to the Examiner's Answer mailed February 14, 2008, Appellants request the appeal be maintained and supply the following arguments in reply under 37 C.F.R. § 41.41(a)(1).

I. REAL PARTY IN INTEREST

Appellants note the Examiner's recognition of the real party in interest.

II. RELATED APPEALS AND INTERFERENCES

Appellants note with appreciation the Examiner's confirmation that the related appeals and interferences set forth in the Appeal Brief is correct.

III. STATUS OF CLAIMS:

Appellants acknowledge the Examiner's indication that the status of the claims in the appeal brief is correct. Claims 1-11 are pending and currently stand rejected. Claims 1 and 11 are the independent claims. The claims are rejected as follows: Claims 1-4 and 7 remain finally rejected under 35 U.S.C. §102(b) as being anticipated by Premerlani (U.S. Patent No. 5,958,060); Claim 11 remains finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Premerlani; Claims 5-6 and 8-10 remain finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Premerlani in view of Thornberg (U.S. Patent No. 5,757,772).

Claims 1-11 are being appealed.

IV. STATUS OF AMENDMENTS

Appellants note with appreciation the Examiner's confirmation that the status of amendments set forth in the Appeal Brief is correct.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Appellants note with appreciation the Examiner's indication that the summary of the claimed subject matter set forth in the Appeal Brief is correct.

VI. GROUNDS OF REJECTION TO BE REVIEW ON APPEAL:

Appellants seek the Board's review of the following rejections of claims 1-4 and 7 under 35 U.S.C. § 102(b) as being anticipated by Premerlani, claim 11 under 35 U.S.C. § 103(a) as

being unpatentable over Premerlani, and claims 5-6 and 8-10 under 35 U.S.C. § 103(a) as being unpatentable over Premerlani in view of Thornberg.

VII. ARGUMENTS:

A. Appellants traverse the rejection of claims 1-4 and 7 under 35 U.S.C. §102(b) as being anticipated by Premerlani.

Claim 1 is argued below with claims 1-4 and 7 rising and falling together.

i) Claim 1

In the Examiner's February 14, 2008 Answer, the Examiner asserts that Premerlani discloses "determining, only after the converting step, a time offset estimate between the central node and the secondary node based on the converted downlink and uplink timing information" as recited in claim 1. To support his assertion, the Examiner states that [t]he round trip delay (RTD) is an end result indicating a time offset between two nodes. Therefore, any calculation or adjustments performed to reach the end result must be performed before the end result is actually determined."¹

On multiple occasions, the Examiner alleges that the round trip delay is the time offset as reflected in the determining step of claim 1.² If that assumption is correct, then the time offset in Premerlani is calculated based on unconverted downlink and uplink timing information. For example, the Board stated that Premerlani describes determining round trip delay between two terminals is performed by subtracting a first and second set of four time stamps.³ By the Examiner's admission, the first and second set of four time stamps is "unconverted downlink and

¹ February 14, 2008 Examiner's Answer, page 13.

² February 14, 2008 Examiner's Answer, page 12 and March 2, 2007 Final Office Action, page 5.

³ December 18, 2006 Board Decision, page 4.

uplink timing information.”⁴ Therefore, in Premerlani, after the round trip delay (or clock offset), the value is adjusted for time-wrap around based on converted downlink and uplink timing information.

According to claim 1, the time offset estimate is determined, after the converting step, and is based on converted downlink and uplink timing information. In Premerlani, the time offset is calculated based on “unconverted downlink and uplink timing information.”

Afterwards, the time offset is adjusted based on converted downlink and uplink timing information. Because Premerlani does not determine, after the converting step, a time offset estimate based on converted downlink and uplink timing information, the system in Premerlani needs to perform an extra “adjustment” after calculating the time offset.

Therefore, Appellants respectfully submit that independent claim 1 as presently recited sufficiently distinguishes from Premerlani. As demonstrated above, independent claim 1 is not anticipated or rendered obvious to one skilled in the art by Premerlani.

B. Appellants traverse the rejection of claim 11 under 35 U.S.C. § 103 as being unpatentable over Premerlani.

Claim 11 contains features similar to claim 1 and is patentable for the same reasons stated above, as well as the reasons detailed in Appellants’ Appeal Brief.

C. Appellants traverse the rejection of claims 5-6 and 8-10 under 35 U.S.C. § 103(a) as being unpatentable over Premerlani in view of Thornberg.

⁴ February 14, 2008 Examiner’s Answer, pages 11-12.

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Claims 5-6 and 8-10, dependent on claim 1, are patentable for the same reasons stated above, as well as their own merits. Furthermore, Thornberg fails to overcome the deficiencies of Premerlani for the same reasons detailed in Appellants' Appeal brief.

VII. CONCLUSION

Appellants respectfully maintain their request that the Board reverse the Examiner's rejection of the pending claims 1-11.

The Commissioner is authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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